

IN THE CLAIMS:

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Please cancel Claim 4 and 5, without prejudice to or disclaimer of the  
subject matter recited therein.

- bx*  
*Sub C1*
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1. (Previously Amended) A diffractive optical element comprising:  
a first layer having a relief-type grating;  
a second layer having a relief-type grating; and  
a third layer having a relief-type grating;  
said first, second and third layers being formed of different materials;  
said diffractive optical element having at least three diffraction optical parts  
in the boundary areas of the respective layers;  
said diffractive optical element being set so that, at three wavelengths, the  
diffraction efficiency thereof for diffracted light of a predetermined order is maximum, said  
three wavelengths being  $450 \pm 20$  nm,  $550 \pm 20$  nm, and  $650 \pm 20$  nm.
2. (Original) The diffractive optical element of Claim 1, wherein at  
least one air layer is included among said first, second and third layers.
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3. (Canceled)

4. (Canceled)

5. (Canceled)